S.B.Cr.Misc. Bail App. No. 5479/2007
(Chittar & Anr. Vs. State of Rajasthan)

Date of order : 22/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. R.S.Chundawat for the petitioners.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned and challan papers. I have carefully gone through the FIR.

In the FIR, there is specific allegation against Patwari Kreda Narpat Singh, Sarpanch Bherulal and one Dinesh who alleged to have committed trespass in the land bearing Khasra numbers mentioned therein and pressurized the first informant to leave the possession of the land of Khasra numbers mentioned in the FIR. The first informant was assaulted and certain articles including watch, golden chain etc. as mentioned in the FIR have been robbed from him. In the FIR neither the petitioners have been named nor any overt act has been assigned. The petitioners are not amongst the persons who robbed the articles alleged to have been belonging to the first informant. Learned counsel for the petitioners submits that the autopsy of the dead body of the deceased was conducted by the medical board comprising of three doctors and the members of the medical board on examination of the dead body of the deceased Ramswaroop were of the opinion that the deceased expired as sequalae to recent myocardial infarction and thus

it was a natural death and therefore, the petitioners cannot be charged with the offence under Section 304 IPC.

Be that as it may, on careful perusal of the challan papers and the first information report lodged by the deceased himself, the present petitioners have not been named as assailants or the persons who committed robbery of the articles belonging to the first informant and the fact that the first informant died of myocardial infarction.

In this view of the matter, having regard to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioners on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioners Chittar S/o Shri Ganga Ram Gadari and Ramniwas @ Rameshwar S/o Moolchand be released on bail in FIR No. 88/2007 P.S. Kareda, district Bhilwara provided each of them executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP